12-12020-mg Doc 9751 Filed 03/16/16 Entered 03/16/16 16:47 Pa 1 of 2

Main Document V1700 Engelmayer Fox

JS 44C/SDNY REV. 2/2016

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clark of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS Appellants: Patricla J. McNerney and Susan M. Gray

**DEFENDANTS** 

Appellees: Rescap Borrower Claims Trust

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER Susan M. Gray, Attorney at Law

ATTORNEYS (IF KNOWN)
Morrison & Foerster

22255 Center Ridge Road Suite 210 250 West 55th Street Rocky River, OH 44116 New York, New York 10019 212-468-8000 440-331-3949 CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) Truth in Lending; 15 U.S.C. 1635 1602 et seq.; 1635; 1640 Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? NdZres Liudge Previously Assigned If yes, was this case Vol. Invol. Dismissed. No Yes It yes, give date & Case No. IS THIS ANIMTERNATIONAL ARBITRATION CASE? No 🗌 Yes 🗌 (PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT **ACTIONS UNDER STATUTES** TORTS CONTRACT PERSONAL INJURY PERSONAL INJURY FORFESTURE/PENALTY BANKRUPTCY OTHER STATUTES [ ] 375 FALSE CLAIMS PHARMACEUTICAL PERSONAL | 1629 DRUG RELATED INSURANCE 310 AIRPLANE 1 1 110 M 422 APPEAL [ ] 315 AIRPLANE PRODUCT LIABILITY [ ] 326 ASSAULT, LIBEL & SLANDER [ ] 330 FEDERAL EMPLOYERS' 1376 QUI TAM 120 130 28 USC 158 [ | 423 WITHDRAWAL MARINE SEIZURE OF PROPERTY MILLER ACT NEGOTIABLE [ ] 385 PERSONAL INJURY PRODUCT LABILITY | 1960 OTHER | 1990 OTHER | 1 | 1400 STATE REAPPORTIONMENT 21 USC 881 ( 140 28 USC 157 REAPPORTIONMENT

| 1410 ANTITRUST
| 1430 BANKIS & BANKING
| 1450 COMMERCE
| 1450 CEPORTATION
| 1470 RACKETEER INFLU-ENCED & CORRUPT ORGANIZATION ACT (RICO)
| 1480 CONSUMER CREDIT INSTRUMENT RECOVERY OF OVERPAYMENT & [ ] 150 LIABILITY PROPERTY RIGHTS LIABILITY ENFORCEMENT ENFORCEMENT
OF JUOGMENT
MEDICARE ACT
RECOVERY OF
DEFAULTED
STUDENT LOANS ( 1340 MARINE ( ) 345 MARINE PRODUCT PERSONAL PROPERTY 1820 COPYRIGHTS []151 LIABILITY

[ 1350 MOTOR VEHICLE

[ ] 355 MOTOR VEHICLE

PRODUCT LIABILITY

[ ] 360 OTHER PERSONAL

NUMBY [ ]370 OTHER FRAUD | 371 TRUTH IN LENGING 840 TRADEMARK (EXCL VETERANS) RECOVERY OF OVERPAYMENT OF VETERANS SOCIAL SECURITY [ ] 153 [ )380 OTHER PERSONAL PROPERTY DAMAGE [ ]385 PROPERTY DAMAGE PRODUCT LIABILITY | ] 881 HIA (1395M) | | 682 BLACK LUNG (923) | | 683 DIWC/DIWW (405(g)) | | 1884 SSID TITLE XVI [ ] 850 SECURITIES! LASOR [ ] 382 PERSONAL INJURY -MED MALPRACTICE COMMODITIES/ EXCHANGE BENEFITS STOCKHOLDERS [ ]710 FAIR LABOR STANDARDS ACT
[ 1720 LABORMGMT
RELATIONS
[ 1740 RAILWAY LABOR ACT [ ] 160 SUITS OTHER CONTRACT 865 RSI (405(g)) PRISONER PETITIONS 1 1 190 (x) 890 OTHER STATUTORY | 1463 ALIEN DETAINEE | 1510 MOTIONS TO VACATE SENTENCE ACTIONS CONTRACT **FEDERAL TAX SUITS** [ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA) **ACTIONS UNDER STATUTES** 28 USC 2255 530 HABEAS CORPUS 535 DEATH PENALTY [ ] 870 TAXES (U.S. Plaintiff or LIASILITY [ ]893 ENVIRONMENTAL MATTERS [ ]895 FREEDOM OF INFORMATION ACT [ ] 198 FRANCHISE CIVIL RIGHTS [ ] 790 OTHER LABOR LITIGATION Defendant) [ ]871 IRS-THIRD PARTY 1 540 MANDAMUS & OTHER [ ] 791 EMPL RET INC SECURITY ACT (ERISA) 26 USC 7609 [ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner) REAL PROPERTY [ ] 896 ARBITRATION I 1441 VOTING []441 VOTING
[]442 EMPLOYMENT
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ACCOMMODATIONS
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DISABILITIES -OTHER
[]448 EDUCATION **IMMIGRATION** [ ] 899 ADMINISTRATIVE LAND CONDEMNATION £ 1210 PRISONER CIVIL RIGHTS PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION [ | 462 NATURALIZATION FORECLOSURE RENT LEASE & EJECTMENT | 550 CIVIL RIGHTS | 555 PRISON CONDITION APPLICATION

1 465 OTHER IMMIGRATION [ | 220 [ | 230 [ 1950 CONSTITUTIONALITY OF STATE STATUTES 550 CIVIL DETAINEE CONDITIONS OF CONFINEMENT ACTIONS TORTS TO LAND TORT PRODUCT LIABILITY [ ]240 [ ]245 ALL OTHER REAL PROPERTY [ ] 290

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DO YOU CLAIM THIS CASE IS RELATED TO A CIF SO, STATE:	CIVIL CASE NOW PENDING IN S.D.N.Y.?
DEMAND S OTHER	JUDGE	DOCKET NUMBER

Check YES only if demanded in complaint JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

## 12-12020-mg Doc 9751 Filed 03/16/16 Entered 03/16/16 16:26:47 Main Document Pg 2 of 2

(PLACE AN × IN ONE 8	OX ONLY)	ORIGIN				
1 Original Proceeding	2 Removed from State Court a. all parties represents	Remanded 4 Reinstated of Reopensed Appellate Court		Transferred from 5 6 Specify District)	Multidistrict	Appeal to Distric Judge from Magistrate Judg Judgment
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(Place an [X	() in one box for Plaintiff ar	id one box for Defendant)				
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Appellants: Patricia J. Mo	DORESS(ES) AND CON CNerney and Susa r Ridge Road, Sui OH 44116	ın M. Gray				
Appellees: Rescap Borro 250 West 55	ADDRESS(ES) AND C owers Claims Tru th St. ew York 10019					
REPRESENTATIO	) ADDRESS UNKNOW ON IS HEREBY MADE TH : ADDRESSES OF THE FO	N AT, AT THIS TIME: I HAVE BEEN UN OLLOWING DEFENDANTS;	ABLE, WITH	REASONABLE DILIC	SENCE, TO ASCERTA	AIN
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HAUTER STAT	ES NISTRICT COURT	NEW YORK SOUTHERN)				